

REMARKS:

By this Amendment, Claims 15-20, 33-35, 37, 39, 41, 43, and 47 have been amended, Claims 33-37 and 39-47 have been withdrawn, Claim 38 has been cancelled, and new Claims 48-50 have been added. Accordingly, Claims 15-37 and 39-50 are currently pending in this application, and Claims 21-37 and 39-47 currently stand withdrawn. These amendments and newly added Claims are fully supported by the originally filed application. Accordingly, no new matter has been added by this Amendment.

In the Office Action dated December 17, 2008, previously presented Claims 33-47 were unilaterally withdrawn from consideration by the Examiner as being directed to a non-elected invention, Claims 15 and 16 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,502,524 to Bovenzi et al. ("Bovenzi"), Claim 15 was rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 17-19 of U.S. Patent No. 7,367,721 to Watson et al. ("Watson"), and Claim 16 was rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-19 of Watson in view of Bovenzi. In addition, Claims 17-20 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-19 of Watson and U.S. Patent No. 6,652,165 to Pasquarella et al. ("Pasquarella") in view of Bovenzi.

Applicants respectfully withdraw Claims 33-37 and 39-47 with traverse. Claims 33-37 and 39-47 merely narrow certain components of the combination claimed in independent Claims 15 and 16.

Applicants respectfully disagree with, for example, the Examiner's unilateral withdrawal of independent Claim 43 and its dependants. Analogous to independent Claims 15 and 16, independent Claim 43 recites, among other things, a rotary photographic shutter comprising a plurality of shutter blades, a drive configured to move the shutter blades, and a damping system. Thus, similar to independent Claims 15 and 16, independent Claim 43 recites, for example, a damping system in combination with various other components of a rotary photographic shutter, and should be interpreted as being part of the same genius as elected Claims 15 and 16. Reconsideration is respectfully requested.

Applicants also respectfully traverse the rejection of independent Claims 15 and 16 as being anticipated by Bovenzi. Bovenzi does not disclose or suggest, among other things, a damper isolated from contact with a plurality of shutter blades, as recited by Claim 15, or a damping system isolated from contact with a plurality of shutter blades, as recited by Claim 16. Instead, as shown by at least Figures 4–6 of Bovenzi, the plurality of shutter blades 66 are sandwiched between the first and second damping members 34, 38. In fact, Bovenzi makes clear that the first and second damping members 34, 38

“each have a damping surface in constant frictional contact with at least a portion of each of the shutter blades. The frictional contact substantially prevents oscillation of the shutter blades throughout their entire range of movement and, most importantly, when the shutter blades are stopped at various open positions. By varying the thickness of the damping members and the size of the damping surfaces, the amount of damping can be fine tuned.”
(Bovenzi, col. 4, ll. 9–19.)

Bovenzi also explains that because the damping members 34, 38 are in "continuous frictional contact with the shutter blades" oscillation of the shutter blades is substantially prevented in at least the closed position and the fully opened position. (Bovenzi, col. 4, ll. 48-49.) Thus, not only does Bovenzi not teach the limitations recited in amended independent Claims 15 and 16, but its description of the first and second damping members 34, 38 teaches away from combining Bovenzi with additional references that teach, for example, a damper or a damping system isolated from contact with the shutter blades. In particular, because the damping members 34, 38 of Bovenzi depend upon continuous frictional contact with the shutter blades to perform the function of damping the shutter blades, combining Bovenzi with an additional reference teaching a damper or a damping system isolated from contact with the shutter blades would destroy the functionality of the Bovenzi device.

Accordingly, because Bovenzi does not disclose or suggest, among other things, a damper isolated from contact with a plurality of shutter blades, as recited by Claim 15, or a damping system isolated from contact with a plurality of shutter blades, as recited by Claim 16, Applicants respectfully traverse the rejection of independent claims 15 and 16 based on Bovenzi, reconsideration is respectfully requested.

Claims 33-37, 39, and new Claims 48-50 depend directly or indirectly from independent Claim 15, and Claims 17-20 and 40-42 depend directly or indirectly from independent Claim 16. These dependent claims are therefore allowable for at least the same reasons stated above with regard to Claims 15 and 16, respectively. In addition, each of these dependent claims recite unique combinations that are neither taught nor suggested by the applied prior art, and therefore each is also separately patentable.

Applicants also respectfully traverse the rejection of independent Claims 15 and 16 on the grounds of nonstatutory obviousness-type double patenting. In particular, Claims 17-19 of Watson do not disclose or suggest, among other things, a damper isolated from contact with a plurality of shutter blades, as recited by amended independent Claim 15. In addition, neither Claims 1-19 of Watson, nor Bovenzi, disclose or suggest, among other things, a damping system isolated from contact with a plurality of shutter blades, as recited by amended independent Claim 16. The claims of Pasquarella do not cure these deficiencies, nor were the claims of Pasquarella cited for such disclosure. Reconsideration is respectfully requested.

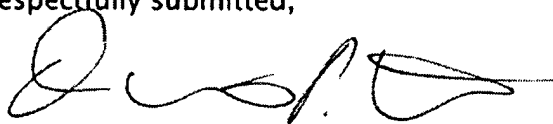
Claims 33-37, 39, and new Claims 48-50 depend directly or indirectly from independent Claim 15, and Claims 17-20 and 40-42 depend directly or indirectly from independent Claim 16. These dependent claims are therefore allowable for at least the same reasons stated above with regard to Claims 15 and 16, respectively. In addition, these dependent claims each recite unique combinations that are neither taught nor suggested by the applied prior art, and therefore each is also separately patentable.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the applied prior art. Applicants therefore request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 03-3875.

Respectfully submitted,



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